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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,099	02/28/2002	Matthew Barrow	1761 4000-06400	2736
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SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/086,099	<b>Applicant(s)</b> BARROW ET AL.	
	<b>Examiner</b> EL HADJI M. SALL	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/08/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This action is responsive to the Appeal Brief filed on January 31, 2008. On April 8, 2008, a panel decision from an Appeal Brief review was made. Examiner admitted that Lenz did not teach explicitly “a customer premises telecommunication hub”, and decision was made to reopen prosecution. Claim 19 has been added. Claims 1-19 are pending. Claims 1-12 are pending. Claims 1-12 represent Dynamically updateable parameters in integrated services hub.

### **2. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated Frailong et al. 6,012,100.

Frailong teaches the invention as claimed including system and method for configuring a remotely managed secured network interface (abstract).

As to claim 9, Frailong teaches a customer premises telecommunications hub, comprising:

A wide area network connection for receiving Internet protocol messages (figure 2),

A memory storing a configuration file (column 8, lines 11-13),

A microprocessor having a plurality of functional program modules operating with parameters contained in the configuration file, each function module storing configuration file parameters which affect its operations and having a check function and an update function (figure 7, item 506), and

A configuration update module adapted to receive a new configuration file over the wide area network connection while the microprocessor is in a running state, to store the new configuration file in memory, and to call the check function and the update function in each functional module (figure 5, item 406).

As to claim 10, Lenz teaches a system for dynamically updating configuration file parameters in a customer premises telecommunications hub comprising:

A remotely located configuration server accessible over a wide area network connection (figure 2, item 206),

Means for receiving a new configuration file from said configuration file server over a wide area network connection while the customer premises telecommunications hub is in running state (figure 7),

Means for comparing parameters controlling operation of the customer premises telecommunications hub to parameters contained in the new configuration file and identifying parameters which are different (column 2, lines 41-47),

Means for identifying parameters which can be changed dynamically (column 2, lines 45-47),

Means for, if all parameters, which are different, can be changed dynamically, dynamically updating parameters to those contained in the new configuration file (column 2, lines 45-47; column 5, lines 24-34).

As to claim 12, Frailong teaches the system of claim 10 further comprising:

Means for dynamically updating parameters to those contained in the new configuration file only when the customer premises telecommunications hub is in idle state (column 2, lines 30-47; column 5, lines 24-34).

#### **4. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong et al. 6,012,100 in view of Fletcher et al. U.S. 6,009,274.

Frailong teaches the invention substantially as claimed including system and method for configuring a remotely managed secured network interface (abstract).

As to claim 1, Frailong teaches a method for updating configuration parameters in customer premises telecommunications hub comprising:

Receiving in a customer premises telecommunications hub a new configuration file sent from a remote location (figure 7);

Identifying parameters in the new configuration file which are different than existing parameters stored in said customer premises telecommunications hub (column 2, lines 45-47; column 5, lines 24-34);

Checking the parameters which are different to determine whether they can be changed dynamically (column 2, lines 41-47); and

If all parameters, which are different, can be dynamically changed, updating all parameters to those contained in the new configuration file (column 2, lines 45-47; column 5, lines 24-34).

Frailong fails to teach explicitly updating all parameters to those contained in the new configuration file without rebooting.

However, Fletcher method and apparatus for automatically updating software components on end systems over a network. Fletcher teaches updating all parameters to those contained in the new configuration file without rebooting (column 15, lines 19-23).

It would have been obvious to one of ordinary skill in the art at the invention was made to combine Frailong in view of Fletcher to provide updating all parameters to those contained in the new configuration file without rebooting. One would be motivated to do so to allow ending and restating a key application in a shorter time.

As to claim 6, Frailong teaches a method according to claim 1, wherein:

Said step of updating parameters is performed when said customer premises telecommunications hub is in an idle state (column 2, lines 30-47; column 5, lines 24-34).

As to claim 7, Frailong teaches a method according to claim 1, wherein:

Said new configuration file is received over a wide area network connection in an Internet protocol (figure 2).

**6.** Claims 2-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong et al. 6,012,100 in view Fletcher et al. U.S. 6,009,274, and further in view of Sandahl et al. U.S. 6,098,098.

Frailong teaches the invention substantially as claimed including system and method for configuring a remotely managed secured network interface (abstract).

As to claim 2, Frailong and Fletcher teach a method according to claim 1.

Lenz fails to teach explicitly updating all parameters to those contained in the new configuration file by rebooting the system.

However, Sandahl teaches system for managing the configuration of multiple computer devices. Sandahl teaches updating all parameters to those contained in the new configuration file by rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frailong and Fletcher in view of Sandahl to provide if any of the parameters which are different cannot be dynamically changed, rebooting the system. One would be motivated to do so to allow saving new updates.

As to claim 3, Frailong and Fletcher teach a method according to claim 1, wherein:



Said hub comprises a configuration update module and plurality of other functional modules, which use parameters contained in the configuration file (figure 7),

Said other functional modules register check and update function calls with said update module (figure 7, item 506),

Each functional module compares configuration file parameters in the new configuration file to its existing parameters (column 2, lines 41-47),

Frailong and Fletcher fail to teach explicitly said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules, and notifies the update module whether the parameters which are different can be changed dynamically.

However, Sandahl teaches said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules (column 6, lines 24-29), and notifies the update module whether the parameters which are different can be changed (column 7, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frailong and Fletcher in view of Sandahl to provide said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules, and notifies the update module whether the parameters which are different can be changed dynamically. One would be motivated to do so to allow periodic and proper updates.

As to claim 4, Frailong teaches a method according to claim 3, wherein:

If the parameters, which are different, can be changed dynamically, said update module issues an update function call to each of the other functional modules (column 2, lines 45-47; column 5, lines 24-34).

As to claim 5, Lenz teaches a method according to claim 3.

Frailong and Fletcher fail to teach explicitly rebooting the system.

However, Sandahl teaches rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frailong and Fletcher in view of Sandahl to provide if the parameters which are different cannot all be changed dynamically, said update module reboots the system. One would be motivated to do so to allow saving new updates.

As to claim 11, Lenz teaches the system of claim 10.

Frailong and Fletcher fail to teach explicitly rebooting the system.

However, Sandahl teaches rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lenz in view of Sandahl to provide means for, if any parameter which is different cannot be changed dynamically, Causing the customer premises telecommunications hub to reboot. One would be motivated to do so to allow saving new updates.

7. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenz U.S. 6,029,196 in view Fletcher et al. U.S. 6,009,274, in view of Kaplan et al. U.S. 6,141,339.

Frailong teaches the invention substantially as claimed including system and method for configuring a remotely managed secured network interface (abstract).

As to claim 8, Lenz teaches a method according to claim 1, wherein:

said new configuration file is received over an ISDN connection to a server in a central office (column 4, lines 5-11).

Frailong and Fletcher fail to teach explicitly Said new configuration file is received over a DSL connection to a server in a central office.

However, Kaplan teaches a DSL connection (column 2, lines 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frailong and Fletcher in view of Kaplan to provide said new configuration file is received over a DSL connection to a server in a central office. One would be motivated to do so to allow faster service and "always on".

**8. Conclusion**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157